

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

NO. 3:15-00158-8
JUDGE TRAUGER

UNITED STATES' MOTION TO DISMISS AGAINST DEFENDANT

Comes now the United States and requests the indictment against defendant [8] Erik Daniel Diaz Gomez be dismissed. Defense counsel, Manuel Russ, has authorized the undersigned to state that the defense has no objection to this motion.

As grounds, the United States advises the Court that the defendant was federally charged with a drug trafficking conspiracy in Texas as a result of the same incident which led to his indictment in this district. He pled guilty, and has been serving a sentence on that conviction. He was brought to this district to face the indictment here, and agreed to cooperate truthfully. Since the previously entered federal conviction was based on the same conduct as the instant charges against the defendant, and was the result of the wiretap authorized in this district, the parties conferred and agreed that the United States would move to dismiss the charges against the defendant here in this district at the appropriate time. Since the arrested defendants, other than for Juan Brito Rios have already pleaded guilty and been sentenced, the defense counsel has asked the United States to file this motion to dismiss at this time so that the defendant can finish serving his imposed sentence at an appropriate Bureau of Prisons facility.